S.B.CRIMINAL MISC. PETITION NO.475/2007
(Tarun Vs. State of Raj.)

Date of order : : 17.04.2007

HON'BLE MR. KRISHAN KUMAR ACHARYA, J.

Mr.R.S.Shekhawat]
Mr.Pushpendra Singh], for the petitioner.
Mr.Ashok Upadhyay, PP for the State.

Issue notice. Mr.Upadhyay, accepts notice on behalf of the State.

Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the order dated 22.11.2005 passed by the learned Additional Chief Judicial Magistrate No2, Udaipur. It is alleged that accused-petitioner could not present himself before the trial court on 20.10.2005. His bail bonds were forfeited and warrant of arrest has been issued against him and on 8.11.2005, he was declared absconder.

Learned counsel for the petitioner states that co-accused has already been acquitted from the charges leveled against him whereas a false case has been launched against the

petitioner and standing warrant has been issued against him. Therefore, learned counsel prays that petitioner be summoned by issuing bailable warrants instead of warrant of arrest. He also prays that petitioner will surrender himself before the learned Additional Chief Judicial Magistrate No.2, Udipur and the learned Magistrate may be directed to decide the bail application on the same day

Looking to all the facts and circumstances of the case as also the fact that co-accused has been acquitted, it is ordered that petitioner, if so wishes and so advised, may surrender himself before the learned Additional Chief Judicial Magistrate No.2, Udaipur. A notice of 24 hours will be given to learned Additional Public Prosecutor to produce the case-diary in the court. The learned Additional Chief Judicial Magistrate shall decide his bail application in accordance with the law on the same day.

With the observation and direction, this misc. petition is disposed of, accordingly.

(KRISHAN KUMAR ACHARYA), J.

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